



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

COPY MAILED

JUL 13 2006

OFFICE OF PETITIONS

In re Application of

Tsuda, et al.

Application No. 09/072,342

Filed: February 19, 1998

Attorney Docket No.

:
:

:

:

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, first filed on February 20, 2002, and again on May 5, 2006.


The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on January 22, 2000, after it was believed that no response was received to the Notice of Allowability mailed October 21, 1999. The Notice of Allowability allowed a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 14, 2000, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that new formal drawings responsive to the Notice of Allowability was deposited with the United States Postal Service, regular mail on November 4, 1999. A copy of the drawings containing a certificate of mailing under 37 CFR 1.8 dated November 4, 1999, accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is directed to the Office of Patent Publications for further processing, including consideration of the new formal drawings filed in duplicate on May 5, 2006.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions